

IT IS ORDERED

Date Entered on Docket: October 22, 2019



The Honorable David T. Thuma
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW MEXICO

In re:
DOROTHY MARIE BYRD,
Debtor(s)

No. 18-11852-t7

**ORDER APPROVING TRUSTEE'S SALE
OF REAL PROPERTY TO DARK HORSE INVESTMENTS, INC.**

THIS MATTER has come before the Court on Trustee's Motion to Approve Sale of Real Property to Dark Horse Investments, Inc., filed October 17, 2019 ("the Motion"). The Court, **FINDS**: (a) notice of this Motion, with a 21-day opportunity to object, is not required because a previous sale motion (Docket #60) proposed to sell the same property for a lesser or equal price and notice of deadline to object to that previous sale motion (Docket #60) was given pursuant to Bankruptcy Rule 2002(a)(2) to all parties in interest on the official mailing matrix maintained by the Clerk of the Court in this bankruptcy case on June 3, 2019 (Docket #61), with a deadline to file a response to that previous sale motion (Docket #60) on June 27, 2019, with no objections being filed, timely or otherwise, other than the objection of creditor Wells Fargo (Docket #64); (b) the Motion proposes a

sale that results in at least the same or better treatment of unsecured creditors as the previous sale motion (Docket #60); (c) Wells Fargo consents to the Motion as indicated by its counsel's signature below; (d) notice of the previous sale motion (Docket #60) was sufficient in form and content and was appropriate in the particular circumstances; (e) the first position mortgage in favor of Nationstar Mortgage LLC secures a note with a principal sum greater than the purchase price of the sale authorized below; and, (f) the sale of property as outlined in the Motion, as modified below, is appropriate.

IT IS THEREFORE ORDERED:

1. That the Motion to Approve Trustee's Sale of Real Property to Dark Horse Investments, Inc is granted.

2. Sale of the property described as:

Lot numbered Seventeen (17) in Block numbered One Hundred Eleven (111), of SNOW HEIGHTS, an Addition to the City of Albuquerque, New Mexico, as the same is shown and designated on the Plat of said Addition, filed in the Office of County Clerk of Bernalillo County, New Mexico, on December 31, 1953.

and more commonly known as 10516 Towner Avenue NE, Albuquerque, NM 87112 to Dark Horse Investments, Inc. is approved on the following cash terms and with the following distributions to take place at closing:

- a. Property selling price: \$132,000.00
- b. Seller to pay standard accruals such as accrued property taxes, past due property taxes, an owner's title policy, a survey, and miscellaneous closing costs as detailed in the purchase agreement attached to the motion.
- c. Payoff to Nationstar Mortgage (Mr. Cooper) in the amount of \$110,067.76.
- d. Payoff to Wells Fargo in the amount of \$6,000.00.
- e. Trustee's realtor, Amy Ackroyd of TAL Realty, Inc. and BK Global

together to receive a realtor's commission in the amount of \$5,280.00 (4.00% of the sales price).. This commission may be split with buyer's realtor, if applicable.

f. Balance of proceeds to be distributed to Philip J. Montoya, Trustee.

3. Trustee is authorized to take the necessary steps to complete the above-described sale, including conveyance of the property by deed, upon entry of this order.

###END OF ORDER###

Respectfully submitted:

Filed electronically

Philip J. Montoya

Counsel for Trustee

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Approved by:

Approved by email on 10/16/19

Karen H. Bradley

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